

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

MYRON MCCRARY, :
Petitioner, : NO. 5:10-CR-26 (CAR)
VS. :
UNITED STATES OF AMERICA, : Proceedings Under 28 U.S.C. §2255
Respondent. : Before the U.S. Magistrate Judge

ORDER TO RESPOND

Before the Court is a Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. § 2255 filed by Myron McCrary. Doc. 109. Upon an initial review in accordance with the Provisions of Rule 4 of the Rules Governing Section 2255 Proceedings For The United States District Courts, the Court is unable to conclude that the Motion is subject to summary dismissal.

IT IS HEREBY ORDERED that, within thirty (30) days of the date of this Order, the Petitioner shall amend his petition to include every unalleged possible constitutional error or deprivation entitling him to federal habeas corpus relief, failing which the Petitioner will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set out in his initial habeas petition. If amended, Petitioner will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in his initial and amended habeas petitions.

IT IS FURTHER ORDERED that United States Attorney **RESPOND** to Petitioner's claims by filing an Answer or other responsive pleadings pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts within SIXTY (60) DAYS of the date of this Order.

SO ORDERED, this 27th day of January, 2012.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge